



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,744	02/01/1999	MURRAY D. EINARSON	46-01US	9118
7590	04/05/2004		EXAMINER	
ANTHONY ASQUITH 173 WESTVALE DRIVE WATERLOO, ONTARIO, N2T 1B7 CANADA			LARKIN, DANIEL SEAN	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/241,744	EINARSON ET AL. <i>[Signature]</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel S. Larkin	2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 16-20 and 26-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-5 is/are allowed.  
 6) Claim(s) 17 is/are rejected.  
 7) Claim(s) 6, 16-20 and 26-31 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 February 1999 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date, _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following:

The terminology used to label the drawing figures is not consistent. For example, Figures 1 and 5-7 are labeled as "FIGURE"; Figures 2, 3, 4A, 4B, 4C, and 4D are labeled "FIG."; and Figure 4E is provided with no designation at all. Moreover, the Brief Description of the Drawings labels all of the figures, FIGURES.

FIGURES 1A and 1B should each be labeled separately as -- FIGURE 1A -- and -- FIGURE 1B --.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

- 
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Reference numeral "218", as shown in FIGURE 2, does not appear within the written specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities:

Page 4, line 6: The term "multichambered" should be corrected to read  
-- multi-chambered --.

Page 4, lines 13 and 14: The term "multichamber" should be corrected to read  
-- multi-chamber --.

Page 5, line 3: The abbreviation "Fig." should be corrected with the term  
-- FIGURE --, which is consistent with the labeling for FIGURE 1 and the brief  
description of the drawings.

Page 5, line 9: The abbreviation "FIG." should be corrected with the term  
-- FIGURE --, which is consistent with the brief description of the drawings.

Page 5, lines 19 and 21: The abbreviation "Fig." should be corrected with the  
term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 6, line 7: A -- comma -- should be inserted after the term "storage".

Page 6, lines 21 and 24: The abbreviation "Fig." should be corrected with the  
term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 7, lines 4, 8, and 23: The abbreviation "Fig." should be corrected with the  
term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 7, lines 6 and 22: The term "Figure" should be corrected with  
-- FIGURE --, which is consistent with the brief description of the drawings.

Page 7, line 11: A -- comma -- should be inserted after the numeral "114B".

Page 7, line 20: A -- comma -- should be inserted prior to the term "such".

Page 8, line 3: The abbreviation "Fig." should be corrected with the term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 8, line 4: A -- comma -- should be inserted prior to the term "such".

Page 8, line 7: A -- comma -- should be inserted after the term "burned".

Page 8, line 10: The term "Figures" should be corrected with -- FIGURES --.

Page 8, line 13: The term "figure" should be corrected with -- FIGURE --, which is consistent with the brief description of the drawings.

Page 8, line 14: The term "Figure" should be corrected with -- FIGURE --, which is consistent with the brief description of the drawings.

Page 8, line 15: The term -- embodiment -- should be inserted after the term "alternative".

Page 9, line 12: The abbreviation "Fig." should be corrected with the term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 10, line 22: The abbreviation "Fig." should be corrected with the term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 11, line 2: The abbreviation "Fig." should be corrected with the term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 11, line 9: The term "alternatives" should be corrected to read -- alternative --; and the term -- embodiments -- should be inserted after the term "alternative".

Page 12, lines 6 and 10: The abbreviation "Fig." should be corrected with the term -- FIGURE --, which is consistent with the brief description of the drawings.

Page 12, line 16: A -- comma -- should be inserted prior to the term "such" and after the term "sands".

Page 12, line 22: The term "Teflon" should be capitalized and accompanied by its generic equivalent since TEFLON is a trademark.

Page 13, line 18: The numeral "6" should be corrected to read -- six --.

Page 13, line 24: A -- comma -- should be inserted after the term "introducing". Appropriate correction is required.

### ***Claim Objections***

4. Claims 6, 16-20, and 26-31 are objected to because of the following informalities:

Re claim 6, claim line 1: The term "plural" should be corrected to read -- plurality of --.

Re claim 16, claim line 4: The term -- one -- should be inserted after the term "least"

Re claim 27, claim line 31: The conjunction -- and -- should be inserted after the phrase "diameter C".

Re claim 28, claim line 10: The conjunction -- and -- should be inserted after the term "tubing".

Re claim 29, claim line 2: The conjunction -- and -- should be inserted after the term "cylinder". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 17, the specification fails to provide an adequate written description of providing a flexible tube having a plurality of longitudinal chambers with an aperture provided on/in at least one of the chambers, and then creating apertures in the flexible tube after determining a sampling depth.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 17, claim line 3: Is this aperture that is created the same aperture in the longitudinal chamber recited in claim 16?

***Allowable Subject Matter***

9. The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 1-6, 16-20, and 26-31 because the prior art fails to teach and/or make obvious the following:

Claims 1-6: Providing a flexible tube of unitary construction having a plurality of longitudinal chambers and an aperture formed in at least one of the longitudinal chambers in combination with all of the remaining limitations of the claim.

Claims 16-20 and 26: Providing a method of obtaining data of discrete fluids disposed in an in-ground hole comprising installing a flexible tube of unitary construction having a plurality of longitudinal chambers and an aperture formed in at least one of the longitudinal chambers in the hole in combination with all of the remaining limitations of the claim.

Claims 27-31: Providing an apparatus for taking a sample from a borehole comprising a flexible tube of unitary construction having a plurality of N cavities forming longitudinal channels and a sampling port formed in an outer wall of the tube into at a channel of the N channels in combination with all of the remaining limitations of the claim.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

The prior art to US 5,226,495 (Jennings, Jr.) discloses a production string for controlling the production of fines from a heavy oil reservoir comprised of a flexible tubing portion (15) having at least one refractory tube (17) connected thereto so as to allow hydrocarbons to flow through perforations (20) located in the tube (17) and into the production string.

The prior art to US 4,735,095 (Issel) discloses a hollow conduit for use in determining concentration profiles of liquid or gaseous materials comprising an inner, flexible conduit (3) made from a material through which the substances, the concentration profile of which is to be determined cannot diffuse; and an outer, flexible conduit (1) made from a material exhibiting high permeability by diffusion to the liquid or gaseous substance surrounding the inner, flexible conduit (3). The inner, flexible conduit (3) is provided with a plurality of openings (5) to collect diffused substances into the inner conduit for passage to a detector.

The prior art to US 6,263,972 (Richard et al.) discloses a coiled tubing screen and method of well completion comprising a unitary flexible tube (20) having a plurality of holes (14). The tube (20) is covered with a flexible filter material (28) that expands to position the tubing within the wellbore while also allowing the formation to flow through the filter material.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The Examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin  
AU 2856  
01 April 2004



DAVID S. LARKIN  
PRIMARY EXAMINER

**INFORMATION DISCLOSURE STATEMENT**

Serial Number: 109/241,744

Confirmation Number: 9118

Applicant: EINARSON, Murray D. et al.

Art Unit: 2856



Foreign Patents

Ex'r	Country	Patent No.	Publication Date	Class	Subclass
D	Canada	1,304,672	07 July 1992	-	-

Examiner

Date

  
Ollie R 31 March 2004**RECEIVED**

FEB 12 2004

TECHNOLOGY CENTER 2800